

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
7:10-CV-245-FL

SHARON MILLER )  
Plaintiff, )  
 )  
v. )  
 )  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
 )  
Defendant. )  
 )  
\_\_\_\_\_  
 )  
ORDER FOR EAJA FEES

This matter is before the court on Plaintiff's Application for Attorney's Fees and Expenses under the Equal Access to Justice Act (EAJA). Plaintiff was the prevailing party in an action to review the final decision of the Social Security Administration, and the Defendants have shown no substantial evidence to deny EAJA fees.

Plaintiff's submitted Application requests payment for 3 hours 15 minutes of work, amounting to a total of \$559.00. Plaintiff arrives at that fee by relying on the Consumer Price Index to enhance the \$125 hourly rate provided by the 1996 reenactment of the EAJA to a rate of \$172.00 per hour for work performed in 2010.

The Court finds that counsel's hours as detailed in his Application are reasonable. Pursuant to the EAJA, the Court concludes that the cost of living increase warrants a higher fee. 28 U.S.C. § 2412(d)(2)(A)(ii). The court will apply an hourly rate of \$172.00 for work performed in 2010, derived from the 1996 Base Fee enhanced by the Consumer Price Index, All Times Index.

The Plaintiff has directed and assigned that EAJA fees be paid to counsel, James B. Gillespie, Jr., at counsel's address, 415 Chestnut Street, Wilmington, NC 28401.

Accordingly, Plaintiff is awarded \$559 in attorney's fees and costs in the amount of \$350 to be paid directly to the attorney.

SO ORDERED, this 22nd day of June, 2011.

BY:   
LOUISE W. FLANAGAN  
Chief United States District Judge